

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anderson et al.
Appl. No. : 09/663,963
Filed : 09/19/00
Title : IMPROVED FERMENTATION PROCESS

Grp./A.U. : 1651
Examiner : K. Srivastava

Docket No. : M6560 OS/OAPT

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Assistant Commissioner for Patents on the date shown below.

May 8, 2001
Date

Marlene Capri
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Marlene Capri
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Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Examiner's Restriction Requirement dated April 18, 2001 in the present application.

The Examiner has made claims 1-28 subject to restriction requirement. The Examiner has indicated that the invention of Group I is said to be drawn to a culture medium composition classified in Class 435, subclass 253.6 The invention of Group II, claim 13, is said to be directed to a culture medium composition classified in Class 435, subclass 254.2. The invention of Group III, claims 14-28 are said to be directed to a process for making polycarboxylic acid using the culture medium of Groups I and II in combination with *C. tropicalis*.

The application is also said to be directed to numerous patentably distinct species

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of the claimed invention.

The inventions are said to be distinct, each from the other because of the following reasons: the combination does not require the particulars of the sub-combination as claimed due to the presence of additional ingredients.

With respect to the inventions of Groups I and II, all of the elements of claim 13 (Group II) find antecedent basis in claim 1 (Group I). Claim 13 discloses, with specificity, the preferred elements of the independent claim 1. More particularly, the source of carbon and energy disclosed in claim 1 is disclosed in claim 13 as being, specifically, glucose. The source of inorganic nitrogen disclosed in claim 1 is disclosed in claim 13, with specificity, as being ammonium salt. The same holds true for the remaining ingredients.

This coupled with the fact that the inventions of both Group I and II are admittedly found in the same class, i.e., 435, clearly supports Applicant's contention that these inventions should not be grouped separately.

Finally, with respect to the invention of Group III, claims 14-28, it, too, is found in the same class, i.e., 435, as the other claims. Applicant respectfully submits that no clear reason appears in the record to justify grouping claims (1-12) in Group I, claim (13) in Group II, and claims (14-28) in Group III. All three Groups are directed to the making of carboxylic acids and as such are classified in a **single** class, namely, **435**, as is admitted by the Examiner in Paper No. 6, page 2.

Moreover, Applicant respectfully submits that in order to properly consider the invention herein claimed, the subject matter of indicated Groups I-III must be considered together. This, coupled with the fact that the inventions of Groups I-III are admittedly classified in a single class 435, warrants against a restriction requirement in this instance.

Thus, restriction of the application to a single group would **clearly** not appreciably shorten the necessary search since **only** Class 435 need be searched.


With respect to the Examiner's election of species requirement, it is unclear to

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Applicant what are the supposedly distinct species. The Examiner indicates that the claims cover mixtures of inorganic salts with a source of carbon and energy. All of these ingredients find support in the independent claims. Claim 13 is just the most preferred embodiment of claim 1, however, all of the ingredients enumerated in claim 13 have antecedent basis in claim 1.

The requirement is thus respectfully traversed and reconsideration is requested. However, in order to comply with the requirement of Rule 142, Applicants are provisionally electing the invention of Group I, claims 1-12, with traverse, for further examination on the merits.

Respectfully submitted,


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